	Application No.	Applicant(s)
Notice of Allowability	09/756,157	RODE, CHRISTIAN STIG
	Examiner	Art Unit
	Thomas K Pham	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed 11/07/2004*.

2. ☒ The allowed claim(s) is/are *11-18*.

3. ☒ The drawings filed on *06 January 2001* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____.

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date *11/08/04*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

<div align="center">*Examiner's Amendment*</div>

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Mr. Christian S. Rode on 03/01/2005.

The application has been amended as follows:

Cancelled claims 1-10;

Add new claims 11-18 as follow:

11. (new) A method of limiting server use by a client, said method comprising the steps of:

client transmitting a request for a file or action (script) to a server, said request
accompanied by valid client-stored server resource utilization information;

said server examining said client-stored server resource utilization information and
redirecting said client to a new file or action (script) accompanied by new client-stored
server resource utilization information;

said client transmitting a new request for said new file or action (script), accompanied by
one of i) the said new client-stored server resource utilization information, ii) the original
client-stored server resource utilization information or iii) no client-stored server resource
utilization information;

said server verifying that said client-stored server resource utilization information
accompanying said new request is the said new client-stored server resource utilization
information and verifying that said client-stored server resource utilization information
accompanying said new request is within acceptable limits to proceed with said new
request;

if said verification completely successful, said server fulfilling either i) said client request
or ii) said client new request;

if said verification unsuccessful, said server not fulfilling said client requests and optionally returning error status to said client.

12. (new) A method of limiting server use by a client, said method comprising the steps of:

client transmitting a request for a file or action (script) to a server, said request not accompanied by valid client-stored server resource utilization information;

said server determining that said request not accompanied by said valid client-stored server resource utilization information and redirecting client to a new file or action (script) accompanied by valid client-stored server resource utilization information after a human-significant (> 1 second) delay;

said client transmitting a new request for said new file or action (script), accompanied by one of i) the said new client-stored server resource utilization information, ii) the original client-stored server resource utilization information or iii) no client-stored server resource utilization information;

said server verifying that said client-stored server resource utilization information accompanying said new request is the said new client-stored server resource utilization information and verifying that said client-stored server resource utilization information accompanying said new request is within acceptable limits to proceed with said new request;

if said verification completely successful, said server fulfilling either i) said client request or ii) said client new request;

if said verification unsuccessful, said server not fulfilling said client requests and optionally returning error status to said client.

13. (new) A method of limiting server use by a client, said method comprising the steps of:

client transmitting a request for a file or action (script) to a server, said request not accompanied by valid client-stored server resource utilization information;

said server determining that said request is not accompanied by said valid client-stored server resource utilization information and redirecting client to a form accompanied by valid client-stored server resource utilization information, said form containing information about said client's said request;

a user of said client completing said form and submitting to said server, accompanied by one of i) the said new client-stored server resource utilization information, ii) the original

client-stored server resource utilization information or iii) no client-stored server resource
utilization information;

said server verifying that said client-stored server resource utilization information
accompanying said submitted form is the said new client-stored server resource
utilization information and verifying that said client-stored server resource utilization
information accompanying said new submitted form is within acceptable limits to
proceed with said request;

if said verification completely unsuccessful, said server not fulfilling either i) said client
request or ii) said client new request;

if said verification unsuccessful, said server not fulfilling said client requests and
optionally returning error status to said client.

14. (new) The method of claim 11,12 or 13 comprising the additional step of:

said server returning said error status accompanied by further modified client-stored
server resource utilization information, said further modified client-stored server resource
utilization information reflecting a "credit" for that portion of the requested operation not
completed.

15. (new) The methods of claim 11,12, or 13 where additionally all client-stored server resource

utilization information is i) encoded before transmission to said client by means obscure to said

client or ii) encrypted using a key not known to nor discoverable by said client, or iii) both i) and

ii).

16. (new) A method of limiting server use by a client, said method comprising the steps of:

client transmitting a request for a file or script from a server;

said server requesting server resource utilization information from said client;

said client transmitting said server resource utilization information;

said server modifying said server resource utilization information and transmitting said
modified server resource utilization information to said client;

said client optionally replacing original state information with said modified server
resource utilization information;

said server requesting server resource utilization information from said client;

said client transmitting either said modified server resource utilization information or some other server resource utilization information;

said server verifying that said server resource utilization information is the modified server resource utilization information and verifying that said modified server resource utilization information is within acceptable limits to proceed with said request;

if said verification successful, said server fulfilling said client request;

if said verification unsuccessful, said server not fulfilling said client request and optionally returning an error message or redirecting said client to request an error message file.

17.(new) The methods of claims 11, 12, 13, or 16, where said new client-stored server resource utilization information additionally contains a timestamp, said timestamp being used by said server to determine if said new client information has been recently updated and said server rejecting as invalid any said new client information that is deemed too old and declining to fulfill said client request or said new client request.

18.(new) A computer readable medium, containing executable program instructions comprising at least one of the methods of 11, 12, 13, or 16.

Reasons for Allowance

2.   Claims 11-18 are allowed.

3.   The following is an examiner's statement of reasons for allowance:

While Montulli (Patent No. 5,826,242) discloses transferring state information from a server computer system to be store on a client computer system. The client-stored state information can later be send back to the server to be process with a request. The client-stored state information specifies the user's identification which allow a user to continue next requests without registering again. Montulli does not teach the client-stored state information includes the server resource utilization information.

Payne (Patent No. 5,715,314) teaches a network-based sales system includes a buyer computer, a merchant computer and a payment computer on a network. The network sales system allows the merchant to respond to payment orders from the buyer without storing the buyer information regarding authorization of which buyers are allow to purchase which products. Payne does not teach the use of any client-stored server resource utilization information as part of the process.

Neither of these references taken either alone or in combination discloses a method of limiting server use by a client having all the claimed features of applicant's instant invention, specifically including: client transmitting a request for a file or action (script) to a server , wherein the request accompanied by a client-stored server resource utilization information. The server determines whether the request is accompanied by a valid client-stored server resource utilization information, if not, after a brief delay (> 1 second), the client will be redirect to a new

file or action (script) accompanied by a valid client-stored server resource utilization information. Next, the client transmits another request accompanied by a client-stored server resource utilization information. The server verifies whether the accompanied client-stored server resource utilization information is the redirected valid client-stored server resource utilization information. Furthermore, the server also verifies that this client-stored server resource utilization information also must fall within acceptable limits before one of the requests continue to be process. Also, there is no motivation to combine the Montulli reference with the Payne reference to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

March 4, 2005

Anthony Knight
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